

T R I A L I N D E X

Opening statement by Mr. Deters: Page 535, line 11
 Opening statement by Mr. James: Page 549, line 11

State's witnesses:

Noah Olinger *victim dad → 10th Olinger*
 Direct Examination: Page 556, line 20

Charlotte James *bride of victim*
 Direct Examination: Page 568, line 1
 Cross-examination: Page 572, line 22

Donald Garrett *Fairfield cop*
 Direct Examination: Page 574, line 13
 Cross-examination: Page 578, line 5

Gail Thomas *SC Penny sales*
 Direct Examination: Page 579, line 8
 Cross-examination: Page 579, line 18
 Redirect Examination: Page 588, line 22

Dan Ringel *SC Penny sales*
 Direct Examination: Page 589, line 10
 Cross-examination: Page 594, line 6

Krista McKinney *SC Penny sales*
 Direct Examination: Page 595, line 15

John S. Janning *SC Penny security*
 Direct Examination: Page 600, line 1
 Cross-examination: Page 607, line 13

Bob Dennett *Fairfield Detective*
 Direct Examination: Page 609, line 4
 Cross-examination: Page 618, line 14

Jeff Armontrout *Mr. Healthy cop*
 Direct Examination: Page 635, line 8
 Cross-examination: Page 648, line 1

Ed Roberts *Fairfield Cop*
 Direct Examination: Page 652, line 2
 Cross-examination: Page 661, line 2

*interviewed Kinley
 took Kinley to body
 scene
 found body*

*I.D. only
 victim's car
 I.D.*

*filed MP report
 questioned
 witnesses*

*Δ comfort search
 - one witness
 - signed V.I.A.
 - I.D.*

*- told Δ ring
 - I.D.*

*I.D.
 - told mother
 643.49*

*- believed Δ
 - got photo #
 - stopped car
 - saw MP report
 - called cops*

*- contacted Sr.
 - looked for Δ
 - followed Armontrout
 - made arrest*

*- talked to wife
 - found Holmes
 - photos
 - took pictures
 - found tanner*

1 State's witnesses (cont'd):

2 James Murray *(int. corp → homicide)*

Direct Examination: Page 666, line 9

3 Cross-examination: Page 675, line 14

4 David Feldhaus *(int. corp → homicide)*

Direct Examination: Page 678, line 13

5 Cross-examination: Page 698, line 15

6 Redirect Examination: Page 719, line 11

Recross-examination: Page 722, line 4

7 Gary Seal *(int. corp → homicide)*

Direct Examination: Page 726, line 17

8 Raymond Morano *(int. corp → homicide)*

9 Direct Examination: Page 729, line 16

Cross-examination: Page 734, line 13

10 Larry Kinley *W-A*

11 Direct Examination: Page 737, line 12

Cross-examination: Page 770, line 1

12 William Schrand *Ballistics → coroner*

13 Direct Examination: Page 807, line 1

Cross-examination: Page 823, line 18

14 Elliot Gross, MD *DR, DRPO*

15 Direct Examination: Page 832 1; 16

Cross-examination: Page 844, line 17

16 Redirect Examination: Page 855, line 4

Recross-examination 897, line 11

17 State rests: Page 880, line 11

18 Rule 29 motion: Page 881, line 11

19 Defense rests: Page 882, line 17

20 Closing argument by Mr. Piepmeier: Page 884, line 9

21 Closing argument by Mr. James: Page 904, line 6

22 Closing argument by Mr. Deters: Page 936, line 17

23 Court's Charge: Page 958, line 13

24

25

*photos
traced body
in forensic lab*

*interviewed &
tape admitted
statements
of all 3*

*searched for
gun*

*found gun for
gun*

*describes
murder
intent?*

*gun
autopsy photo*

*injuries
cause of death*

M I T I G A T I O N I N D E X

Opening statement by Mr. Deters: Page 1076, line 12
Opening statement by Mr. Deardorff: Page 1080, line 15

State rests: Page 1088, line 9

Defense witnesses:

David Chippone *mitigation ?? expert*

Direct Examination: Page 1090, line 1 - *finished for*

Cross-examination: Page 1109, line 11

Redirect Examination: Page 1117, line 20

Michael McDaniel *friend (neighbor)*

Direct Examination: Page 1121, line 8 - *finish testimony*

Robin Thrasher *Witness*

Direct Examination: Page 1153, line 12 - *finish*

Georgia Moore *Witness*

Direct Examination: Page 1169, line 6 - *finish testimony*

Lee Moore

Unsworn statement: Page 1186, line 16 - *"I'm sorry"*

Closing argument by Mr. Piepmeier: Page 1197, line 7

Closing argument by Mr. Deardorff: Page 1200, line 15

Closing argument by Mr. Deters: Page 1223, line 2

Court's charge: Page 1234, line 13

Sentence: Page 1263

008577

E X H I B I T S

- 1 State's 1 (Photo - Melvin Olinger)
Received into evidence: Page 863, line 3
- 2 State's 2 (Photo - Ford Taurus)
Received into evidence: Page 863, line 22
- 3 State's 3 (Photo - Ford Taurus)
Received into evidence: Page 864, line 5
- 4 State's 4 (Aerial photo)
Received into evidence: Page 672, line 8
- 5 State's 5 (Diagram of Scene)
Received into evidence: Page 672, line 8
- 6 State's 6 (Aerial photo)
Received into evidence: Page 865, line 25
- 7 State's 7 (Photo- body next to dumpster)
Received into evidence: Page 866, line 12
- 8 State's 8 (Photo - closeup of body next to dumpster)
Received into evidence: Page 866, line 20
- 9 State's 9 (Photo of body)
Received into evidence: Page 867, line 9
- 10 State's 10 (Polaroid of Lee Moore)
Received into evidence: Page 868, line 20
- 11 State's 11 (Polaroid of Larry Kinley)
Received into evidence: Page 869, line 14
- 12 State's 12 (Polaroid of Jason Holmes)
Received into evidence: Page 869, line 14
- 13 State's 13 (Photo of Ford Fairlane)
Received into evidence: Page 869, line 21
- 14 State's 14 (Photo of Ford Fairlane)
Received into evidence: Page 869, line 14
- 15 State's 15 (Photo of Gina's Lounge)
Received into evidence: Page 870, line 4
- 16 State's 16 (Photo of Gina's Lounge)
Received into evidence: Page 870, line 17

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1 State's 17 (Rights form)
Received into evidence: Page 870, line 17

2 State's 18 (Taped statement of Lee Moore)
3 Received into evidence: Page 685, line 4

4 State's 19 (Transcript of State's 18)
5 Received into evidence: Page

6 State's 20 (Photo of body)
7 Received into evidence: Page 872, line 24

8 State's 21 (Coroner's photo)
9 Received into evidence: Page 872, line 24

10 State's 22 (Photo of body)
11 Received into evidence: Page 872, line 24

12 State's 23 (Coroner's photo)
13 Received into evidence: Page 821, line 15

14 State's 24 (Photo spread)
15 Received into evidence: Page 873 13

16 State's 25 (Gold Nugget ring)
17 Received into evidence: Page 873, line 19

18 State's 25-A (Photo showing where ring was found)
19 Received into evidence: Page 874, line 6

20 State's 25-B (Receipt for ring purchase)
21 Received into evidence: Page 874, line 6

22 State's 26 (Necklace and bracelet)
23 Received into evidence: Page 874, line 24

24 State's 26-A (Photo showing where jewelry box found)
25 Received into evidence: Page 875, line 10

26 State's 26-B (Photo showing contents of jewelry box)
27 Received into evidence: Page 875, line 10

28 State's 27 (Necklace recovered from Lee Moore)
29 Received into evidence: Page 875, line 23

30 State's 27-A (Receipt for necklace)
31 Received into evidence: Page 876, line 4

32 State's 28 (Clothing)
33 Received into evidence: Page 876, line 11

1 State's 29 (Sturm Ruger .357 revolver)
Received into evidence: Page 876, line 18
2
3 State's 30 (Videotaped deposition of Dr. Elliot Gross)
Received into evidence: Page 831, line 13
4
5 State's 31 (Weather times)
Received into evidence: Page 831, line 13
6
7 State's 32 (Aerial photos)
Received into evidence: Page 657, line 4
8
9 Defendant's (Pretrial) 1 (Entry of Disqualification)
(Marked off the record.)
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1 Defendant's 1 (Photo)
Marked for identification: Page 1126, line 1
2 Received into evidence: Page 1190, line 24
3 Defendant's 2 (Photo)
Received into evidence: Page 1126, line 1
4 Marked for identification: Page 1190, line 24
5 Defendant's 3 (Photo)
Received into evidence: Page 1147, line 9
6 Marked for identification: Page 1190, line 24
7 Defendant's 4 (Photo)
Received into evidence: Page 1147, line 9
8 Marked for identification: Page 1190, line 24
9 Defendant's 5 (Photo)
Received into evidence: Page 1147, line 9
10 Marked for identification: Page 1190, line 24
11 Defendant's 6 (Photo)
Received into evidence: Page 1170, line 15
12 Marked for identification: Page 1190, line 24
13 Defendant's 7 (Photo)
Received into evidence: Page 1170, line 15
14 Marked for identification: Page 1190, line 24
15 Defendant's 8 (Photo)
Received into evidence: Page 1170, line 15
16 Marked for identification: Page 1190, line 24
17 Defendant's 9 (Letter)
Received into evidence: Page 1181, line 10
18 Marked for identification: Page 1190, line 24
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008581

THE HOMICIDE OF MELVIN OLINGER

THE STATEMENT OF JASON HOLMES

Code to person speaking in statement:

Q. Police Specialist David Feldhaus
Cincinnati Police Homicide Unit

QQ. Detective Michael Tiernan
Cincinnati Police Homicide Unit

A. Jason Holmes

NOTE: Inaudible portions of statement are indicated by dashes.

Q. OKAY TODAY'S DATE IS JANUARY 21ST, 1994. THE TIME IS 0350 HOURS. MY NAME IS SPECIALIST DAVE FELDHAUS WITH THE CINCINNATI POLICE HOMICIDE UNIT. WITH ME IS DETECTIVE MIKE TIERNAN, THAT'S T-I-E-R-N-A-N. UH, OFFICER TIERNAN IS WITH THE FAIRFIELD POLICE DEPARTMENT. WE'RE INTERVIEWIN' A JASON TERRELL HOLMES, THE SPELLING OF HIS LAST NAME IS H-O-L-M-E-S. MR. HOLMES IS A MALE BLACK, 16, WITH A DATE OF BIRTH OF 12/3/77. UH, JASON RESIDES AT 7853 CLOVERNOOK. HAS A PHONE NUMBER OF 522-5069. HE ATTENDS MT. HEALTHY HIGH SCHOOL. UH, JASON HOLMES IS BEING INTERVIEWED IN REFERENCE TO THE DEATH OF UH, MELVIN OLINGER. UH, MR. OLINGER WAS A MALE WHITE, 53. UH, HE WAS ABDUCTED FROM FAIRFIELD AN' UH, SHOT IN CUMMINSVILLE ON JANUARY 14, 1994. OKAY UH, JASON BEFORE WE GET STARTED HERE, I'M

SHOWING YOU A PIECE OF PAPER AN' UH, THE PIECE OF PAPER IS THE UH, A FORM OF MIRANDA RIGHTS FORM. UH, THIS FORM WAS READ TO YOU... YOUR MIRANDA RIGHTS WAS READ TO YOU RIGHT, READ TO YOU IS THAT CORRECT?

A. YEAH.

Q. OKAY SPEAK UP NOW.

A. YES.

Q. OKAY AN' YOU INDICATED TO THE OFFICERS THAT YOU UNDERSTOOD YOUR RIGHTS IS THAT CORRECT?

A. YES.

Q. AN' YOU ALSO SIGNED YOUR NAME INDICATING THAT YOU UNDERSTOOD YOUR RIGHTS IS THAT CORRECT?

A. YES.

Q. AN' DOWN BELOW YOU SEE YOUR SIGNATURE, IS THAT YOUR SIGNATURE.

A. YES.

Q. OKAY. JASON WHAT I WANT YOU TO DO IS JUST, WE'RE GONNA GO BACK TO THE BEGINNIN' OF WHAT YOU KNOW ABOUT UH, THIS MAN'S DEATH AN' HOW YOU GOT INVOLVED AN', AN' WHAT YOUR PART IN IT WAS AN', AN' WHAT YOU KNOW ABOUT IT. AN' I WANT YOU TO TALK SLOWLY AN' TRY AN' PRONOUNCE YOUR WORDS AN' IF THERE'S ANYBODY ELSE INVOLVED IN THIS, I WANT YOU TO NAME THEIR NAMES AS COMPLETELY AS YOU CAN OKAY. I NEED FIRST NAME AN' LAST NAME. ALRIGHT, SO JUST START AT THE BEGINNIN' OF WHAT YOU KNOW ABOUT IT.

A. A COUPLE OF DAYS...

008583

Q. SPEAK UP.

A. A COUPLE OF DAYS BEFORE WE FINALLY WENT OUT AN' DID IT.
WE WAS TALKIN' ABOUT GETTIN' A CAR, AN' WE KNEW, MY
AUNT LIVE IN HAMILTON.

Q. NOW YOU'RE SAYIN' WE, NOW WHO IS WE?

A. ME AN' LEE.

Q. LEE WHO?

A. LEE MOORE.

Q. OKAY.

A. WE WAS TALKIN' ABOUT GOIN' TO GET A CAR AN' MY AUNT
LIVE IN HAMILTON AN' IT'S OUT OF CINCINNATI, OUT OF
HAMILTON COUNTY SO WE FIGURED THAT WOULD BE THE BEST
PLACE TO GET ONE BECAUSE THEY CAN'T FIND THEY CAR REAL
QUICK. SO WE RODE, SO WE RODE TO UH, TO HAMILTON,
HAMILTON OHIO ON THE 14TH.

Q. NOW WHO'S, WHO RODE UP THERE, YOU AN' LEE MOORE.

A. ME AN' LEE.

Q. NOW IS THAT LEE MOORE.

A. LEE MOORE, COMIN' FROM MY HOUSE, WE RODE UP TO
HAMILTON.

Q. OKAY WHAT CAR WERE YOU IN.

A. IN LEE'S FAIRMOUNT.

Q. OKAY.

A. WE WENT UP TO HAMILTON, SEEN MY GIRLFRIEND, SHE LIVE
WITH MY AUNT. I SAID HI AN' EVERYTHIN' BYE, WE LEFT.
AN' WE WAS ROLLIN' BACK TO CINCINNATI, STILL LOOKIN'
FOR A CAR. AN' OUR CAR STARTED SMOKIN', THE FAIRMOUNT

STARTED SMOKIN'. UH, WE WAS, HE WIPED THE ENGINE OFF
CAUSE IT HAD OIL ON IT. AN' THEN WHILE HE WAS, WHILE
HE WAS WIPING THE ENGINE OFF, AN' BY TIME HE WAS
FINISHED, A CAR DROVE PAST, A TAURAS, FORD TAURAS WITH
MICHIGAN LICENSE PLATE.

Q. MICHIGAN YOU'RE SAYIN'.

A. YEAH, MICHIGAN.

Q. OKAY.

A. SINCE IT WAS FROM MICHIGAN WE AIN'T THINK HE WOULD BE
ABLE TO GET THE CAR, NOTHIN' LIKE THAT IF, IF WE HAD
TOOK IT. SO ...

Q. WHAT DID YOU JUST SAY, I DON'T UNDERSTAND WHAT YOU
SAID.... SINCE IT'S MICHIGAN WHAT?

A. SINCE WE, SINCE HE WAS FROM MICHIGAN, WE THINK HE WAS
FROM MICHIGAN, WE WAS GONNA TAKE THE CAR.

Q. OKAY.

A. AN' THEN WE UH, SEEN 'IM, WE SEEN, WE WATCHED HIM ROLL
DOWN, DOWN TO SOME KIND OF PLACE THAT OTHER PEOPLE WAS
GOIN' INTO BUT NOT AT LARGE AMOUNTS. IT WAS JUST ONE,
ONE PERSON AT A TIME LIKE THAT. AN' HE HAD WENT IN BY
HIS SELF. SO UH, WE SEEN HIM GO IN AN' WE DROVE DOWN
THERE TO WHERE HE WAS AN' RIGHT ACROSS FROM 'IM AN'
PARKED THE CAR THE SAME WAY HE PARKED HIS CAR. AN'
THEN HE UH,

Q. WHAT WAY DID YOU PARK IT THERE WERE YOU GONNA WAIT FOR
HIM.

A. YEAH WE WAS JUST WAITIN'.

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Q. OKAY THEN DID YOU HAVE A GUN OR ANYTHIN'.

A. I AIN'T HAVE NOTHIN'.

Q. DID, DID LEE HAVE A GUN.

A. YES.

Q. OKAY. NOW WHILE YOU'RE WAITIN' FOR HIM, WHAT WERE YOU DISCUSSING.

A. WHAT WE WAS GONNA DO WITH THE MAN. WHAT HE WAS GONNA DO WITH THE MAN...

Q. ALRIGHT WHAT WAS, WHAT WAS SAID?

A. HE SAID DAMN WHAT IS WE GONNA DO. WHAT, WHAT I'M UH, DO WIT' 'IM. AN' I AIN'T HAVE NO SUGGESTIONS SO HE WAS LIKE ALRIGHT, I'M UH JUST WALK UP AN' I'M UH, AN' THEN I'M UH TELL HIM TO SCOOT OVER. HE'S LIKE, AN' I'M GONNA TAKE HIM TO A DARK PLACE AN' MAKE HIM GET IN THE TRUNK. AN' ANOTHER THING I GOTTA TELL YA'LL, TELL YOU AN' HIM, UH, DAMN, OH LEE TOLD THAT MAN HE WASN'T GONNA DIE. HE TOLD HIM IF, IF HE COOPERATED HE WAS GONNA BE ALRIGHT. SO THAT MAN HE FIGURE HE WASN'T, HE WASN'T GONNA DIE, HE WAS GONNA COOPERATE COMPLETELY. HE HID HIS TWO MOST EXPENSIVE CREDIT CARDS. I THINK IT WAS AMERICAN EXPRESS. IT WAS JUST A GREEN ONE, THE MONEY GREEN ONE WITH THE UH -- ON IT. AN' ANOTHER ONE, I DON'T KNOW WHAT IT WAS CALLED. HE HID 'EM UP UNDER THE TIRE --. LEE DIDN'T FIND UNTIL TUESDAY, MONDAY OR TUESDAY.

Q. OKAY.

A. BACK TO THE STORY...

Q. ALRIGHT SO NOW YOU GUYS ARE OUT THERE IN THE PARKIN'
LOT WAITIN' FOR HIM. YOU'RE DISCUSSIN' WHAT YOU'RE
GONNA DO BEFORE HE CAME OUT.

A. UH HUH.

Q. WHAT WAS, WHAT WAS BEIN' SAID?

A. LEE ASKED ME DID I, WAS I SURE I KNEW HOW TO ROLL, KNEW
HOW TO DRIVE A CAR. I TOLD HIM YEAH, CAUSE I WANTED TO
DRIVE IT ANYWAY. SO WE WAS JUST DISCUSSIN' LIKE WHAT,
WHAT HE GONNA DO. AN' HE WAS LIKE I'M UH JUST PUT HIM
IN THE TRUNK. HE WAS LIKE MAN, I'M JUST GONNA HAVE TO
THINK ABOUT IT. AN' SOONER OR LATER, ABOUT FORTY-FIVE
MINUTES LATER, THE MAN CAME OUT.

Q. WELL DID YOU DISCUSS SHOOTIN' HIM?

A. UN UN, NOT REALLY...

Q. KILL HIM.

A. WE AIN'T TALK ABOUT IT TOO MUCH BUT LEE HAD THE GUN,
SAYIN', HE KNOW HE GONNA HAVE TO USE IT. -- -- KNOW.
HE AIN'T SAY EXACTLY WHERE HE WAS GONNA SHOOT HIM OR
NONE OF THAT.

Q. WELL YOU TOLD, BEFORE WE WENT ON TAPE HERE, YOU TOLD ME
UH, YOU DISCUSSED HOW YOU WERE GONNA GET, GET HIM. YOU
SAID YOU WERE....

A. POP HIM.

Q. PUT HIM IN THE TRUNK AN' UH, FIND SOMEWHERE, A GOOD
PLACE TO POP HIM.

A. THAT'S WHAT WE COULDN'T DECIDE WHERE WE WAS GONNA SHOOE
HIM.

008587

Q. OKAY SO YOU JUST COULDN'T.... YOU, YOU PLANNED ON POPPIN' 'IM OR SHOOTIN' HIM BUT YOU JUST DIDN'T KNOW WHERE TO SHOOT HIM RIGHT.

A. YEAH.

Q. OKAY, WELL THAT'S WHAT I'M....

A. NOT ME, UH NOT ME.

Q. BUT WHO IS DOIN' THIS NOW LEE?

A. LEE.

Q. SO LEE'S, LEE'S WHOLE INTENTION WAS TO PUT HIM IN THE TRUNK AN' SHOOT HIM BUT YOU JUST DIDN'T KNOW WHERE.

A. YEAH AN' HE KNEW I WASN'T DOWN TO SHOOT HIM, THAT'S WHY HE DROP ME OFF AN' GOT LARRY.

Q. OKAY SO NOW HE COME, THE GUY COMES OUT.

A. HE CAME OUT, THEY WAS LIKE THERE HE GO. AN' THEN HE TURNED ON THE CAR, HE GOT OUT AN' WALKED AROUND. HE WALKED UP AN' WALKED, WALKED.... WALKED OUT HIS DOOR AN' WENT STRAIGHT UP TO HIM, AN' I DON'T KNOW WHAT HE SAID. THE CAR WAS ON. THE CAR AIN'T LOUD BUT HE WALKED OVER TO HIM, I KNOW HE SHOWED HIM THE GUN CAUSE IF HE DIDN'T THE MAN PROBABLY WOULDN'T OF LISTEN TO 'IM.

Q. UH HUH.

A. HE UH, THE MAN HAD SCOOTED OVER, SCOOTED OVER IN THE CAR, GOT IN THE PASSENGER SIDE, I MEAN, THE DRIVER SIDE. SCOOTED OVER TO THE PASSENGER SIDE AN' THEN LEE GOT IN BEHIND HIM, SHUT THE DOOR AN' THEY RODE OFF. BY THAT TIME I WAS JUST GONE, I RODE OFF, WENT OUT ON

PLEASANT RODE ALL THE WAY DOWN, NO TURN, STRAIGHT. NO
TURNS. JUST GOIN' ALL THE WAY STRAIGHT WENT INTO
HAMILTON. AN' I TURNED DOWN UH, INSTEAD OF TURNIN'
DOWN ADAMS ROAD, I WENT THROUGH UDF BECAUSE THE LIGHT
WAS RED, OR IT WAS GONNA BE TURNIN' RED SOON. SO I
WENT THROUGH THERE AN' LEE WAS AT THE RED LIGHT. AN'
BY TIME I CAME OUT OF THE PARKIN' LOT OF UDF, LEE WAS
BEHIND ME AN' I, AN' I AIN'T REALLY NOTICE 'IM TO HARD,
I JUST NOTICED IT WAS A BROWN, A BLUE CAR BEHIND ME.
AN' THEN I RODE ALL THE WAY UP TO UH, GLOVERNOOK, I
TURN, AN' THAT'S WHEN I REALLY NOTICED IT WAS LEE CAUSE
HE HAD STOP TOO. AN' I RODE INTO MY COURT, CAUSE IT'S
THE FIRST ONE COMIN' FROM, COMIN' OFF OF ADAMS ONTO
CLOVERNOOK. I RODE IN MY COURT, PARKED THE CAR AN' GOT
OUT. AN' I WAS LIKE WHERE THE MAN AT. HE WAS LIKE,
LOOKED AT THE TRUNK, HE WAS LIKE HE IN THE TRUNK.

Q. NOW LEE IS TELLIN' YOU THIS.

A. YEAH.

Q. OKAY.

A. AN' LEE, UH, HE WAS JUST OUTSIDE, JUST LOOKIN' AT THE
CAR AN' STUFF, LOOKIN' IN AN' OUT OF IT, CHECKIN' IT
OUT. I WENT IN THIS LADY NAME ANGEL HOUSE. LARRY WAS
IN THERE WITH MY SISTERS AN' KEISHA AN' SHAWNY. AN'
HER, ANGEL'S THREE LIL' KIDS. AN' THE KIDS WAS PLAYIN'
ON THE FLOOR. AN' LARRY WAS, LARRY THE ONE WHO HAD
ANSWERED THE DOOR, SO I TOLD HIM WHEN I GO OUTSIDE LOOK
WHAT LEE GOT. YOU KNOW WHAT I'M SAYIN', HE KNEW IT WAS

THE CAR. SO LARRY WENT OUT, HE GAVE A COUPLE OF COMPLIMENTS AN' THEN...

Q. WHO LARRY DID?

A. YEAH.

Q. LIKE WHAT, WHAT DID HE SAY?

A. LIKE OH, THAT'S FRESH, THAT'S TIGHT. AN' THEN UH, LEE WAS LIKE I'M FINNA BAIL, OR SOMETHIN' HE TOLD LARRY SOMETHIN' ABOUT HE WAS FINNA LEAVE. LARRY CAME AN' TOLD ME LIKE, I'M FINNA GO WITH LEE ALRIGHT. LIKE YEAH COOL. THEN LARRY AN' LEE LEFT. LARRY AN' LEE LEFT. AN' NEXT TIME I SEEN HIM, I WAS LAYIN' ON THE COUCH, AN' THEY HAD, LARRY HAD SHOOK THE DOOR KNOB SO I HAD GOT UP QUICK, WALKED AROUND AN' OPEN THE DOOR, UNLOCKED THE DOOR, HE WALKED IN. AN' THEN LIKE WHERE HE AT. CUMMINSVILLE. THAT'S WHAT LARRY TOLD ME. I WENT UPSTAIRS GOT IN MY BED. WENT UPSTAIRS AN' GOT IN MY BED. THE NEXT DAY, WE WOKE UP AROUND TEN O'CLOCK. LARRY HAD SET MY SISTER'S ALARM O'CLOCK IN THEY ROOM CAUSE THAT'S WHERE HE BE SLEEPIN' AT...

Q. UH HUH.

A. AN' THEY WASN'T THERE ANYWAY, THEY SPENT THE NIGHT OVER ANGEL'S. LARRY UH, LARRY AN' LEE HAD WENT TO UH, THEY WENT TO NORTHGATE...

Q. UH HUH.

A. AN' TRI COUNTY MALL. WE CAME BACK...

Q. WHICH, WHICH STORES THERE.

A. JC PENNY.

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- Q. DID THEY HAVE, THEY HAVE CREDIT CARDS TO USE OR SOMETHIN'. IS THAT WHY THEY WENT THERE OR WHAT?
- A. LEE HAD A JC PENNY CARD AN' A GAS STATION CARD, THAT'S THE OTHER CARD I COULDN'T REMEMBER IT. IT WAS A SHELL, I THINK, HE HAD A SHELL CARD. AN' HE WAS FILLIN' UP THE TANK, EVERY CHANCE HE GOT, WALK UP, FILL UP THE TANK AN' ALL THAT. AN'
- Q. SO HE'S USIN' UH, HIS SHELL GAS STATION CARD.
- A. YEAH.
- Q. WHO WAS LARRY?
- A. NO, LEE.
- Q. LEE. OKAY.
- A. AN' LEE HAD HIS, THE, THE FAIRMOUNT WAS PARKED OUTSIDE ALL THE TIME WHILE HE WAS ROLLIN' THE NEW CAR. AN' LEE AN' LARRY WENT, THEY WENT SHOPPIN', LEE CAME BACK, SAID HE HAD TO MAKE A FEW RUNS. HE DROPPED LARRY OFF. ME AN' LARRY WAS IN THE HOUSE WAITIN' ON MOMMA. WE CALL MY MOM AN' TOLD 'ER WE, THAT WE WANTED TO GO TO THE MALL, TO TRI COUNTY MALL. SO SHE TOOK US UP THERE, SHE AIN'T KNOW FOR WHAT, SHE JUST TOOK US UP THERE. WE HAD THAT CREDIT CARD, THE JC PENNY CARD.
- Q. WHO, WHO GAVE YOU THAT CARD?
- A. LEE.
- Q. IS THAT THE ONLY ONE HE GAVE YOU.
- A. UH, NO HE GAVE ME A MARATHON CARD BUT I COULDN'T USE IT BECAUSE I AIN'T HAVE NO CAR.
- Q. OKAY SO YOU GET TWO CARDS, THE JC PENNY AN' A MARATHON.

- A. HE GAVE ME THE MARATHON, UH EARLIER THAT DAY. IT WAS JUST THERE.
- Q. OKAY. SO NOW YOU AN' LARRY GOT THE JC PENNY CARD YOU HAVE YOUR MOM...
- A. YEAH MY MOM...
- Q. DRIVE YOU OUT TO TRI COUNTY OR NORTHGATE.
- A. TRI COUNTY.
- Q. TRI COUNTY AN' THEN WHAT HAPPENED.
- A. THE CARD WOULDN'T WORK, I TRIED TO BUY SHOES AN' THEN I WENT CHEAPER TRIED TO BUY A HOOD....
- Q. WITH HIS CREDIT CARD.
- A. YEAH.
- Q. OKAY.
- A. AN' ANYWAY IT WOULDN'T GO THROUGH SO I TRIED TO BUY A HAT, IT WOULDN'T GO THROUGH, SO I TRIED TO BUY A LIL' VASE, A LIL' GLASS VASE, IT WOULDN'T GO THROUGH. SO ME AN' LARRY HAD....
- Q. NOW WHAT WERE THEY TELLIN' YOU, WHAT DO YOU MEAN IT WOULDN'T GO THROUGH....
- A. ALL THE CREDIT WAS UH, RAN OUT. ALL THE CREDIT WAS GONE.
- Q. OKAY.
- A. CAUSE LEE SPENT A THOUSAND DOLLARS.
- Q. OKAY. SO THEY TOLD YOU IT WASN'T NO MORE CREDIT ON THE CARD.
- A. UH HUH.
- Q. AN' WHAT DID YOU DO THEN.

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- A. I JUST GOT MAD. SO I, BUT I, FIRST I HAD FOLDED THE CARD, AN' THEN I WAS FOLD IT SO MUCH AN' THEN I JUST BROKE IT, BROKE IT IN HALF.
- Q. DID YOU ASK FOR EXTRA CREDIT, DID YOU TRY TO GET EXTRA CREDIT.
- A. YEAH, TRIED TO GET EXTRA CREDIT, THIS LADY...
- Q. NOW HOW DID YOU DO THAT.
- A. I, HOLD, HOLD ON THIS HOW, A LADY IN THE STORE THAT I TRIED TO BUY FROM THE VASE, SHE, SHE SUGGESTED THAT I GO UPSTAIRS TO UH, CREDIT, TO SEE IF I COULD GET THE CREDIT RAISE. AN' I WAS LIKE ALRIGHT, I WENT UP THERE AN' TRIED IT, IT WOULDN'T WORK ON ONE OF 'EM PHONES CAUSE THE PHONES WAS BROKE. SO A LADY, ANOTHER YOUNG LADY CAME UP AN' PRESSED IN SOME NUMBERS. AN' SHE ASKED ME UH, THE LADY ON THE OTHER END WAS LIKE, SHE WAS ASKIN' ME QUESTIONS. SHE WAS LIKE ARE YOU UH MELVIN OLINGER. AN' I WAS LIKE NO. AN' SHE WAS LIKE WELL, IF YOU, YOU HIS NEPHEW, YOU HAVE TO DO IT. AN' SAID LIKE YOU CAN'T DO IT BY YOURSELF OR IT'S CALLED FRAUD, SOMETHIN' LIKE THAT.
- Q. THIS IS A PERSON ON A PHONE OR SOMEBODY YOU'RE TALKIN' TO.
- A. PERSON ON THE PHONE.
- Q. OKAY SO YOU BASICALLY, YOU BASICALLY SAID YOU WERE THIS, THE UH, GUY'S NEPHEW.
- A. UH HUH.
- Q. AN' THEY WOULDN'T GIVE YOU ANY CREDIT BECAUSE IT HAS TO BE THE PERSON ON THE CARD RIGHT.

Q. RIGHT.

A. SO SHE TOOK ME HOME, WE ATE. WE DID SOME LIL' STUFF WE GOT, WE GOT SOMETHIN' TO EAT. UH, SHE HAD LEFT, HER BOYFRIEND CALLED AN' TOLD HER TO PICK HIM UP FROM WORK. SO LATER ON THAT NIGHT, LEE CAME OVER AN' WE JUST CHILLED SOME MORE, WE JUST TALKED....

Q. TALKIN' ABOUT WHAT HAPPEN...

A. NO LEE WAS TALKIN' ABOUT WHAT HE WAS GONNA DO WITH THE CAR, THE PLAN.

Q. WHAT WAS THE PLANS TO DO WITH THE CAR?

A. GET IT PAINTED AN' PUT SOME RIMS ON IT. SOME TIRES, SOME NEW, SOME NEW RIMS.

Q. OKAY. AN' WHERE WAS THE GUN AT?

A. UH RIGHT THEN IT WAS UP UNDER MY UH, THE SEAT IN MY ROOM.

Q. IT WAS...

A. IT WAS THERE ALL THE TIME EVERY SINCE, EVERY SINCE UH DUDE, THE MAN GOT KILLED. THAT'S WHERE THE GUN WAS JUST SITTIN'.

Q. YOU WERE HIDIN' GUN IN, IN, UNDER A SEAT IN YOUR ROOM.

A. UNDER THE PILLOW.

Q. OKAY AN' THEN UH, WERE THE BULLETS ALL IN THE GUN...

A. UH HUH. ALL FIVE SHELLS.

Q. AN' UH, YOU SAID YOU WERE, YOU TOLD ME BEFORE YOU WERE GONNA TRY AN' SELL THE GUN.

A. TO RON.

Q. RON WHO?